

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MELINDA A. GOODE,
Plaintiff,

v.

AMERICAN VETERANS, INC., *et al.*,
Defendants.

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Civil No. 8:11-cv-02414-JFM

MEMORANDUM AND ORDER

Goode brings to the court's attention a relevant and controlling Fourth Circuit case, *Minor v. Bostwick Laboratories, Inc.*, 669 F.3d 428 (4th Cir. 2012), holding that an internal complaint is a "protected activity" under the Fair Labor Standards Act anti-retaliation provisions. Although the court dismissed Goode's FLSA retaliation claim in part based on pre-*Bostwick* jurisprudence, *Bostwick* does not revive Goode's FLSA retaliation claim. Even if the court were to vacate its dismissal order, Goode's FLSA retaliation claim would not withstand AMVETS's summary judgment motion (ECF No. 17). Goode fails to demonstrate AMVETS's budgetary explanation for her discharge was pretextual. Looking at all facts and inferences drawn therefrom in the light most favorable to Goode, there is no evidence that her discharge was in anyway related to internal complaints for overtime pay. Thus, the outcome is unchanged by *Bostwick*.

It is, this 27 day of June 2012

ORDERED

Goode's Motion for Reconsideration (ECF No. 46) is DENIED.

/s/

J. Frederick Motz
United States District Judge

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

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